THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25214 OF 2005

Dated: 25.11.2005

Between

Smt. Allam Uma, W/o. Appa Rao, Fair Price Shop Dealer, Ward No.7, Huzurnagar Town & Mandal, Nalgonda District.

...PETITIONER

AND

The Joint Collector, Nalgonda District and others.

...RESPONDENTS

ORDER:

Petitioner questions the order of the Revenue Divisional Officer, Miryalaguda dated 04.12.2004 and the order of the Joint Collector, Nalgonda in Proceedings Case No.CS1/776/2005 dated 14.11.2005 as illegal and arbitrary, in appointing the fourth respondent as permanent Fair Price Shop Dealer of Ward No.7 of Huzurnagar Town, Nalgonda District.

Admittedly, the petitioner was appointed as temporary dealer of the newly created fair price of 7th Ward of Huzurnagar town,

vide proceedings of second respondent dated 25.05.2004. Thereafter, a notification dated 17.11.2004 was issued calling for the appointment of permanent dealer for the said shop. Subsequent on issuing notification for appointment of permanent dealer the petitioner also filed an application along with the fourth respondent; the petitioner attended the interview but

due to non-possession of requisite educational qualification i.e. a pass in 10th class, her candidature was not considered and the fourth respondent was appointed as permanent dealer of the said shop.

After perusing the proceedings of the Joint collector, I am of the opinion that the Joint Collector has rightly considered all the contentions of the petitioner and this Court also held in WP.No.22846 of 2004 dated 29.04.2005 that a temporary dealer has no right to stall the appointment of the permanent dealer unless the notification calls for appointment of temporary dealer to replace an existing temporary dealer.

Learned counsel for the petitioner submits that the petitioner deposited certain amount as trade deposit and her authorization is valid up to 31.03.2006. Therefore, without her authorization being cancelled or suspended, a permanent dealer cannot throwaway the petitioner and occupy the dealership.

If the said security deposit is not refunded it is a different matter altogether but the petitioner cannot stall the proceedings for appointment of the fourth respondent as permanent dealer. More so, the appointment of petitioner as dealer of the said shop was a temporary arrangement that has been made pending the appointment of a dealer on a permanent basis. The petitioner having participated in the interview and declared as disqualified, pursuant to the notification calling for applications for appointment of permanent dealer, is not entitled to question the permanent appointment of fourth respondent. In fact, the petitioner is benefited by running the said shop nearly for a period of one year even after losing her right to continue as temporary dealer as the fourth respondent was appointed as permanent dealer on 04.12.2004.

Therefore, I do not see any merits in the writ petition and it is accordingly dismissed.

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V. ESWARAIAH, J

November 25, 2005

DSK